

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201905897	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/06/2019 4:03 PM	Location of Incident: West 95th Street between Riverside Drive and West End Avenue; 24th Precinct stationhouse	Precinct: 24	18 Mo. SOL 1/6/2021	EO SOL 8/23/2021	
Date/Time CV Reported Mon, 07/08/2019 10:12 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 07/08/2019 10:12 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Shahel Miah	26604	965060	024 PCT
2. POM Thomas Martilla	13956	947215	024 PCT
3. POM Robert Maxcy	28758	957827	024 PCT
4. An officer			024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Thomas Martilla	Abuse: At West 95th Street between Riverside Drive and West End Avenue in Manhattan, Police Officer Thomas Martilla detained § 87(2)(b)	
B.POM Shahel Miah	Abuse: At West 95th Street between Riverside Drive and West End Avenue in Manhattan, Police Officer Shahel Miah detained § 87(2)(b)	
C. An officer	Abuse: At West 95th Street between Riverside Drive and West End Avenue in Manhattan, an officer seized § 87(2)(b)'s property.	
D.POM Thomas Martilla	Abuse: At the 24th Precinct stationhouse, Police Officer Thomas Martilla failed to provide § 87(2)(b) with a business card.	
E.POM Shahel Miah	Abuse: At the 24th Precinct stationhouse, Police Officer Shahel Miah failed to provide § 87(2)(b) with a business card.	
§ 87(4-b) § 87(2)(g)		

Case Summary

On July 8, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On July 6, 2019, at approximately 4:03 p.m., Police Officer Thomas Martilla and Police Officer Shahel Miah, both of the 24th Precinct, conducted a traffic stop of § 87(2)(b)'s vehicle on West 95th Street between Riverside Drive and West End Avenue in Manhattan. PO Martilla and PO Miah detained § 87(2)(b) (**Allegations A and B: Abuse of Authority, § 87(2)(g)**). An officer seized § 87(2)(b)'s vehicle and brought it to the 24th Precinct stationhouse (**Allegation C: Abuse of Authority, § 87(2)(g)**). At the 24th Precinct stationhouse, PO Martilla and PO Miah allegedly refused to provide § 87(2)(b) with business cards (**Allegations D and E: Abuse of Authority, § 87(2)(g)**). § 87(4-b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was arrested during this incident, but his arrest was ultimately voided. PO Miah issued § 87(2)(b) a summons for § 87(2)(b).

Body-worn camera footage of this incident was received and will be discussed in further detail below.

Findings and Recommendations

Allegation (A) Abuse of Authority: At West 95th Street between Riverside Drive and West End Avenue in Manhattan, Police Officer Thomas Martilla detained § 87(2)(b)

Allegation (B) Abuse of Authority: At West 95th Street between Riverside Drive and West End Avenue in Manhattan, Police Officer Shahel Miah detained § 87(2)(b)

The investigation established the following facts:

On July 6, 2019, § 87(2)(b) had an active Investigation Card (number § 87(2)(b)), hereafter referred to as an I-Card, § 87(2)(b) (BR 01). § 87(2)(b) was sought as a suspect only with no probable cause to arrest.

On July 6, 2019, at approximately 4:03 p.m., § 87(2)(b) was driving on the ramp near the intersection of Riverside Drive and West 95th Street in Manhattan. § 87(2)(b)'s friend, § 87(2)(b) known to § 87(2)(b) as § 87(2)(b) was in the passenger's seat. § 87(2)(b) was in the far-right lane, but proceeded straight through the intersection. PO Martilla and PO Miah stopped § 87(2)(b) in front of 330 West 95th Street. PO Miah asked § 87(2)(b) for his license and registration. § 87(2)(b) provided a physical copy of his registration and an electronic copy of his insurance, but did not have his license. § 87(2)(b)'s partner, § 87(2)(b) texted § 87(2)(b) a photograph of his identification, which he provided to the officers. § 87(2)(b) also verbally provided his name and date of birth. When PO Martilla ran § 87(2)(b)'s information, the aforementioned I-Card was listed for § 87(2)(b). PO Martilla and PO Miah went back to § 87(2)(b)'s car, handcuffed § 87(2)(b) and arrested him pursuant to the I-Card. Additional officers responded, one of which drove § 87(2)(b)'s vehicle to the 24th Precinct stationhouse. PO Martilla and PO Miah took § 87(2)(b) back to the 24th Precinct stationhouse. After PO Martilla spoke to an officer working out of the Special Victims Unit (SVU) in regard to § 87(2)(b)'s I-Card and determined that SVU did not need to speak with § 87(2)(b) § 87(2)(b)'s arrest was voided and he was released with a summons for § 87(2)(b).

§ 87(2)(b) (BR 02) testified that after providing his registration and date of birth, PO Martilla and PO Miah asked § 87(2)(b) to step out of the car, and he did so. PO Miah handcuffed § 87(2)(b) § 87(2)(b) asked the officers what was going on and they informed him

that he had an I-Card, but did not explain what an I-Card was or what it was for. PO Miah then placed § 87(2)(b) into a police vehicle. After approximately 20 minutes, four additional officers responded, but § 87(2)(b) could not hear anything going on outside the vehicle. After approximately 10 to 12 minutes, PO Martilla and PO Miah drove § 87(2)(b) back to the stationhouse.

PO Martilla (BR 03) testified that when the officers ran § 87(2)(b)'s name in their vehicle, an I-Card appeared, but PO Martilla did not remember what § 87(2)(b) was sought as on the I-Card. The officers arrested § 87(2)(b) for the I-Card and for the traffic violations he committed while driving, and placed § 87(2)(b) in the back of their police vehicle. When the additional officers arrived, PO Maxcy asked to see the I-Card. PO Maxcy pointed out to PO Martilla that § 87(2)(b) was listed as suspect only with no probable cause to arrest. PO Martilla brought § 87(2)(b) back to the stationhouse, even after conversing with PO Maxcy, because § 87(2)(b) did not have his physical identification and he wanted to ensure that the officer that generated the I-Card did not need to speak with § 87(2)(b). Further, due to the heavy traffic coming off the highway onto West 95th Street, PO Martilla did not want to make phone calls to determine if officers had to speak with § 87(2)(b) at the scene.

PO Miah (BR 04) also testified that he did not know what § 87(2)(b) was sought as on the I-Card. At the time PO Miah handcuffed him, § 87(2)(b) was not under arrest, but was handcuffed for safety purposes, though PO Miah could not provide any safety concerns § 87(2)(b) presented. At some point after § 87(2)(b) was in handcuffs, PO Miah learned that § 87(2)(b) was listed as “suspect only” on the I-Card, but he did not remember how he learned this. PO Miah understood that when an individual is listed as “suspect only” officers can ask the individual if he or she wants to speak with a detective. However, because West 95th Street is a heavy traffic area, § 87(2)(b) was already handcuffed, and § 87(2)(b) did not have a physical copy of his identification, the officers did not ask him if he wanted to speak to a detective. The officers then transported § 87(2)(b) back to the 24th Precinct stationhouse.

In PO Martilla's body-worn camera footage (BR 05-06), when PO Martilla locates the I-Card after running § 87(2)(b)'s information, he tells PO Miah, “It says he has an active I-Card from 2017. It's from two-eight. So we'll bring him back to the precinct and see if they still need it. If the two-eight still needs him.” PO Martilla then requests an additional unit to the location (see time stamp on player <<07:58 – 09:02>>). After § 87(2)(b) is in handcuffs, PO Martilla tells him, “You have something that's called an I-Card. Basically another precinct that needs to speak to you about something. We have to bring you back to our precinct and we have to call a different precinct because apparently they need to speak to you about something” (<<11:25 – 11:40>>). When § 87(2)(b) is standing outside the police vehicle in handcuffs, PO Martilla takes a photograph of § 87(2)(b)'s cell phone, which has a photograph of his license on it. § 87(2)(b) then gets inside the police vehicle (<<12:53 – 13:06>>). PO Martilla provides PO Miah with § 87(2)(b)'s license number from the photograph he took of § 87(2)(b)'s cell phone, which had a photograph of his license. PO Miah runs a check of the license on a department-issued phone and PO Martilla says, “It's valid? All right.” PO Martilla then approaches the group of officers, who had responded to PO Martilla's call for an additional unit, and says, “So the I-Card he can't be brought in for. And his license is valid.” An officer responds, “I guess just do a 250” (<<17:11 – 17:55>>).

§ 87(2)(e)

§ 87(2)(e)

§ 87(2)(g)

Allegation (C) Abuse of Authority: At West 95th Street between Riverside Drive and West End Avenue in Manhattan, an officer seized § 87(2)(b)'s property.

§ 87(2)(b) testified that upon arrival at the 24th Precinct stationhouse, he saw an officer park his car in front of the stationhouse. § 87(2)(b) described the officer as a white male with brown hair, 6'2" or taller, with slim build, and approximately in his mid-30s. When § 87(2)(b) was released, he was permitted to leave with his vehicle.

In PO Martilla's body-worn camera footage, it is evident that § 87(2)(b)'s car is double parked to the left of parallel parked cars (<<00:33>>). § 87(2)(b) the passenger, tells PO Martilla that he has a license and can take § 87(2)(b)'s vehicle, but his license is at his house (<<11:13 – 11:20>>).

PO Martilla and PO Miah testified that an officer, though neither could identify who, took § 87(2)(b)'s vehicle back to the stationhouse so that all of § 87(2)(b)'s property would stay with him.

As PO Maxcy best matched the description § 87(2)(b) provided, especially due to PO Maxcy's height of 6'5," he was interviewed as a subject of Allegation D. PO Maxcy (BR 15) testified that he did not drive § 87(2)(b)'s vehicle back to the stationhouse and did not know the identity of the officer that did so.

Police Officers Matthew Ornstein and David Czechowski, both of the 24th Precinct, also responded to the incident. However, both officers are shorter than the officer described who took § 87(2)(b)'s vehicle, 6'1" and 5'10" respectively, and both are in their twenties. As such, this allegation is being pled against an officer.

When property/vehicles are taken into police custody, the vehicle should be vouchered and categorized appropriately, one category of which includes safekeeping. NYPD Patrol Guide Procedure 218-19 (BR 08).

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: At the 24th Precinct stationhouse in Manhattan, Police Officer Thomas Martilla failed to provide § 87(2)(b) with a business card.

Allegation (E) Abuse of Authority: At the 24th Precinct stationhouse in Manhattan, Police Officer Shahel Miah failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified that upon his release from the stationhouse, he asked both PO Martilla and PO Miah for business cards, but both officers told him that they “didn’t have any.”

PO Martilla did not recall § 87(2)(b) asking for his business card and denied refusing to provide him with one. PO Miah testified that § 87(2)(b) never asked for his business card and he never refused to provide § 87(2)(b) with one.

Officers shall offer a business card to a person at the conclusion of a law enforcement activity that does not result in an arrest or summons. Officers shall also request identifying information. New York City Administration Code 14-174 (BR 09).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 12).
- PO Martilla has been a member of service for 11 years and has been a subject in three prior CCRB complaints and four allegations, none of which was substantiated. § 87(2)(g)

§ 87(2)(g)

- PO Miah has been a member of service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Maxcy has been a member of service for four years and has been a subject in three prior CCRB complaints and five allegations, none of which was substantiated. § 87(2)(g)

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of September 13, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 13).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date